UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK BRIAN FISCHLER, Individually and on behalf of all other pesons similarly situated, Plaintiffs, Index No.: 1:18-cv-08420-RA -against-ROSE ASSOCIATES, INC. D/B/A THE MAXIMILIAN, Defendant. STIPULATION OF DISMISSAL WITH PREJUDICE Plaintiff and Defendant, under Fed. R. Civ. P. 41(a)(1)(A)(ii), hereby stipulate to dismiss this action with prejudice, resolving all matters in dispute having been made and each party to bear its own fees and costs. Dated: February 7 Dated: Tebruary 21, 2019 2019 New York, New York Douglas B. Lipsky, Esq. Adam G. Guttell Jackson Lewis P.C. LIPSKY LOWE LLP 58 South Service Road, Suite 250 630 Third Avenue, Fifth Floor Melville, New York 11747 New York, New York 10017-6705 631.247.0404 Tel: (212) 392-4772 Adam.Guttell@Jacksonlewis.com doug@lipskylowe.com Attorneys for Defendant Attorneys for Plaintiff SO ORDERED: Dated: New York, New York

United States District Judge

,2019